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8	UNITED STATES	DISTRICT COURT
9		ICT OF CALIFORNIA
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11	SRI LOUISE COLES, et al.	File No. C03-2961 TEH (JL)
12 13 14 15 16 17 18 19 20 21	Plaintiffs  vs.  CITY OF OAKLAND, a municipal entity, et al.  Defendants  LOCAL 10, INTERNATIONAL LONGSHORE ) AND WAREHOUSE UNION, et al.,  Plaintiffs,  vs.  CITY OF OAKLAND; et al.,  Defendants.	File No. No. C 03-2962 TEH (JL)  Hon. Thelton E. Henderson  STIPULATION AND (PROPOSED) ORDER DISMISSING INDIVIDUAL OFFICER DEFENDANTS WITH PREJUDICE AS TO PLAINTIFF ARTHUR MARTINEZ ONLY
22 23 24 25 26 27 28		

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## **STIPULATION**

IT IS HEREBY STIPULATED by and between the parties, Plaintiff ARTHUR MARTINEZ, and the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of plaintiff ARTHUR MARTINEZ ONLY, against the individual officer defendants ONLY, whose names are listed as follows:

RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO.

It is acknowledged that ARTHUR MARTINEZ' claims against the CITY OF OAKLAND are to be resolved pursuant to his acceptance of the CITY OF OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated June 21, 2005. This dismissal with prejudice of the individual officer defendants is a condition of that offer of judgment and offer to compromise.

1 Dated: July 10, 2005 2 JAMES B. CHANIN 3 Attorney for Plaintiffs in Local 10, et al. 4 Dated: July13, 2005 5 GREGORY M. FOX 6 Attorney for Defendants City of Oakland et al. 7 **ORDER** 8 9 Having reviewed the stipulation of the parties, and good cause appearing therefore 10 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF 11 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to 12 California CCP § 998 dated February 17, 2005, and plaintiff ARTHUR MARTINEZ' acceptance 13 14 thereof, Plaintiff ARTHUR MARTINEZ' action No. C –03-2962 THE (JL) shall be and hereby is 15 dismissed with prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK 16 HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, 17 E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. 18 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. 19 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, 20 21 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. 22 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. 23 ROMANS and OFF. C. DELROSARIO. 24 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED. 25 26 DATE THELTON E. HENDERSON 27 UNITED STATES DISTRICT JUDGE 28 STIPULATION AND (PROPO WITH PREJUDICE RE INDIVIDUAL OFFICER DEFENDANTS AS TO

Z ONLY - Case Nos. C-03-2962 TEH (JL)

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1	I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2	"conformed" signature (/s/) within this E-filed document. Dated: July 13, 2005.
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5	By:/s/
6	Gregory M. Fox
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